

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

130

CWP-3582-2023

Date of decision:22.02.2023

Fakir Chand

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rajesh Dhiman, Advocate for
Mr. Sandeep Thakan, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

Petitioner has approached this Court for issuance of a writ in the nature of mandamus directing the respondents to release the 1st and 2nd Assured Career Progression (ACP) to his deceased wife alongwith interest. Another prayer has been made for directing the respondents to recalculate the pension and other retiral benefits and to disburse them to the petitioner.

Counsel for the petitioner submits that petitioner's wife was engaged on daily wages on 01.05.1988, but was terminated and under an award passed by the Labour Court, she was reinstated with continuity of service. Counsel submits that as her services were not being regularized, she approached this Court by way of a writ petition, which was allowed by judgment dated 17.09.2015, Annexure P-3, and a direction was issued to the respondents to regularize her services in terms of the regularization policy of 1996. Counsel submits that she unfortunately

expired on 04.02.2016 and by order dated 03.08.2019, Annexure P-5, she was regularized on a Group 'D' post (Sharmik) with effect from 01.02.1996. Counsel submits that pursuant to instructions issued by the Government of Haryana, she has not been paid the 1st and 2nd ACP benefits. Counsel submits that the petitioner has submitted representations followed by legal notice dated 18.10.2022, Annexure P-8, which is lying unattended. Counsel submits that the petitioner would be satisfied, in case, a direction is issued to the respondents to look into the legal notice, Annexure P-8.

Notice of motion.

On asking of the Court, Mr. R.K.S. Brar, Addl. A.G., Haryana, accepts notice on behalf of the respondents.

Given the nature of order being passed, this Court does not deem it necessary to call for a response from the respondents.

Having heard counsel for the parties, but without examining the grievance of the petitioner on merits, writ petition is disposed of with a direction to respondents No.2 and 3 to examine the legal notice, Annexure P-8, within a period of 04 months from the date of communication of copy of this order. In case, the respondents concerned find that the claim of the petitioner cannot be entertained, an order be passed assigning reasons for rejection.

22.02.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No